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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 PAUL BIHARI, an individual, on behalf of  
himself and all others similarly situated,

14 Plaintiff,

15 v.

16 SENDME, INC., and DOES 1 through 50,  
17 inclusive,

18 Defendants.  
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Case No.: 4:14-cv-01147-KAW

**STIPULATION AND ORDER  
CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE,  
RELATED DEADLINES, AND  
DEFENDANT'S DEADLINE TO  
RESPOND TO FIRST AMENDED  
COMPLAINT**

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, Plaintiff Paul Bihari (“Bihari”) filed this putative class action on March 11, 2014, against PredictoMobile, LLC (“PredictoMobile”);

WHEREAS, the Court’s March 12, 2014 Order Setting Initial Case Management Conference and ADR Deadlines (*see* Docket No. 4) originally set the following deadlines: (1) May 13, 2014 as the last day to: (a) meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; (b) file ADR Certification; and (c) file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference; (2) May 27, 2014 as the last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement; and (3) June 3, 2014 as the date of the Initial Case Management Conference;

WHEREAS, on May 7, 2014, Bihari voluntarily dismissed his claims against PredictoMobile without prejudice;

WHEREAS, on May 7, 2014, Bihari filed his First Amended Class Action Complaint (“First Amended Complaint”) against SendMe, Inc. (“SendMe”);

WHEREAS, on May 22, 2014, the Court, upon Plaintiff’s motion (*see* Docket Nos. 12, 12-1, and 12-2), continued the Initial Case Management Conference to August 5, 2014, and also continued its related deadlines and events accordingly (*see* Docket No. 13);

WHEREAS, SendMe was served with the First Amended Complaint on June 6, 2014;

WHEREAS, over the past several weeks the parties have been engaged in settlement discussions, including the informal exchange of information for purposes of settlement, and the parties believe that such efforts may result in resolution of this dispute and dismissal of this action (*see* Declaration of Rodger R. Cole filed concurrently herewith (“Cole Decl.”) at ¶ 2);

WHEREAS, on June 27, 2014, to further settlement discussions, the parties filed a stipulation pursuant to Civil Local Rule 6-1(a), which extended SendMe’s deadline to respond to the First Amended Complaint from June 27, 2014 to July 16, 2014 (*see* Docket No. 17);

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1 WHEREAS, the parties require additional time to continue their settlement discussions  
 2 and information exchange so that they make an informed decision as to whether this action should  
 3 proceed, settle or otherwise be dismissed (*see* Cole Decl. ¶ 2);

4 WHEREAS, to facilitate their settlement discussions, Plaintiff's counsel has agreed to  
 5 further extend SendMe's deadline to respond to the First Amended Complaint from July 16, 2014  
 6 to August 15, 2014, and such extension will not alter any deadline already fixed by Court order;

7 WHEREAS, the parties have also agreed, subject to the Court's approval, to further  
 8 continue the Initial Case Management Conference and its associated deadlines and events, to  
 9 facilitate settlement discussions, avoid unnecessary attorneys' fees and costs, and promote judicial  
 10 economy (*see id.*);

11 WHEREAS, there have been only two previous time modifications in this case and the  
 12 relief requested herein is not expected to have an effect on the overall schedule for this case  
 13 (*see id.* at ¶¶ 3, 4);

14 NOW THEREFORE the parties, by and through their respective counsel, hereby stipulate  
 15 as follows:

16 1. SendMe's deadline to respond to the First Amended Complaint is further extended  
 17 from July 17, 2014 to **August 15, 2014**.

18 2. Subject to the Court's approval, the initial case management conference currently  
 19 scheduled for August 5, 2014 at 1:30pm shall be continued to **September 2, 2014 at 1:30pm**, or  
 20 such other later date that may be convenient for the Court. All associated deadlines and events  
 21 shall be continued accordingly. Specifically:

- 22 a. **August 12, 2014** shall be the last day for the parties to (i) meet and confer  
 23 re: initial disclosures, early settlement, ADR process selection, and  
 24 discovery plan; (ii) file ADR Certification signed by Parties and Counsel;  
 25 and (iii) file either Stipulation to ADR Process or Notice of Need for ADR  
 26 Phone Conference; and

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b. **August 26, 2014** shall be the last day for the parties to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

IT IS SO STIPULATED.

DATED: July 15, 2014

FENWICK & WEST LLP

By: /s/ **Rodger R. Cole**  
Rodger R. Cole  
Attorneys for Defendant  
SendMe, Inc.

DATED: July 15, 2014

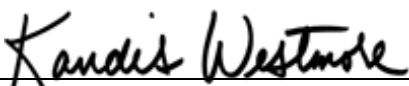
KEARNEY LITTLEFIELD LLP

By: /s/ **Richard D. Lambert**  
Richard D. Lambert  
Attorneys for Plaintiff  
Paul Bihari and the Class

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/18/2014

  
The Honorable Kandis A. Westmore

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW